



U.S. Department of Justice

United States Attorney
Southern District of New York

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August 27, 2008

MEMO ENDORSED

BY FAX: (212) 805-7949
Honorable P. Kevin Castel
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 2260
New York, New York 10007

USDS SDNY
DOCUMENT
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DATE FILED: 8/28/08

Re: Morel v. Mukasey
Dkt. No. 08-cv-6498 (PKC)

Dear Judge Castel:

I am writing in response to the questions that arose during the August 4, 2008 conference in this matter. As Your Honor is aware, petitioner Juan Carlos Morel ("Morel") filed the above-referenced petition for a writ of habeas corpus under 28 U.S.C. § 2241 on July 22, 2008, requesting that the Court review his detention by the United States Immigration and Customs Enforcement ("ICE") and enjoin his removal. As Your Honor is also aware, Morel was returned to his home country, the Dominican Republic, the following day. During the conference, some questions arose as to Morel's precise whereabouts at the time the petition was filed, and during the days leading up to his departure. Accordingly, Your Honor requested that the Government submit declarations responsive to these questions, by August 27, 2008.

I have confirmed with both ICE and the private security firm that assumed custody of Morel prior to his departure that Morel was not in ICE custody when he filed the habeas petition, on July 22, 2008. Rather -- because he had entered the United States as an alien crewman and was thus subject to the provisions of the Immigration and Nationality Act uniquely governing crewmen -- he was in the custody of Trident Security, a security provider affiliated with Royal Caribbean International, from July 18, 2008 to July 23, 2008. An official from ICE and the owner of Trident Security have each drafted a declaration regarding the chronology of events leading to Morel's departure. In the course of reviewing these declarations, however, we became aware of additional information that may have bearing on the Court's jurisdiction. We intend to submit these declarations, together with a letter-brief addressing the jurisdictional issues, as soon as possible. To this end, I respectfully request a brief extension of time to file these materials, until next Tuesday, September 2, 2008. If this request is granted, then the Petitioner's time to respond should likewise be extended to Friday, September 5, 2008.

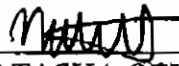
Application granted -
S.D. ORDER
JSDJ
8-28-08

I apologize for the delay in the filing of these declarations, and thank the Court for its consideration of this request.

Respectfully submitted,

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